G. R. S. 59] GPB—15,000 20-12-13

GENERAL AND REVENUE SECRETARIAT.

1914-15.
(Sanitary)

File No. 10-15

Serial Nos.

Papers Filed.

Month December 1914.

SUBJECT.

Modification of the Village Sanitation rules authorizing the recovery of the cost of clearing lantana or prickly pear from private holdings as an arrear of Land Revenue

PREVIOUS REFERENCES.	LATER REFERENCES.

G.R.S. 11] 1913.

GENERAL AND REVENUE SECRETARIAT.

(Secret)

NOTES.

File No. 70-13

FILE HEADING.

Amendment of the Village Sanitation Rules so as to authorise the recovery of the cost of eradication from ~~village sites~~ private holdings within the limits of villages as an arrear of land revenue.

From

The Dy Commr, Shimoga Dist.

No. 245/R135 Dated 20-11-13 Received

Diary No. 3876	Enclos. - Spare Copies.	Serial No. /

BRIEF ABSTRACT OF LETTER.

7. With reference to para 12 of G.O. No. R3298-322/R508-09 dt 18-11-10, requests to be informed as to whether the Village Sanitation Rules have been amended as therein indicated.

NOTES AND ORDERS.

Branch IV may perhaps be requested to note if they took any action in the matter.

Subd
M 88
42
26/11/13. 27/11/13

2. Br IV for opinion

27/11

PTO

NOTES—First Sheet.

GPB—35,000—15-6-12

General and Revenue Secretariat. | Sec LR File No. 7 of 1913-14

Serial No.

3. No action was taken in this matter in Br II
KP 82
1/4.12.13
4/12

4. The original notes in question were called for by Br III when that Branch was initially Consulted.

Br I)

Br II
5/12

5. To Branch III for favour of opinion.
AL
6/12/13.88
6/12/13

6. Submitted with a copy of the Rules ~~now in~~ issued under the Village Sanitation Regn. and now in force. A reference to the file heading of Branch III Legislative Sec: shews that the copy of the proceedings No R 3298-322/L.R. 508-09-2 of 18/11/1910 was not sent to this Branch for action. If ordered action will be taken in the Branch to amend the Rule accordingly. In this connection I beg to be permitted to add that as the matter is connected with Sanitation and

177-13

Depts

NOTE—Contn. sheet.

GPB—60,000—7-11-13

G. R. S. 12]

General and Revenue Secretariat.

File No. 70 of 1913-14

Serial No.

as rules under Regulation are usually issued from the Administrative Branch concerned, the amendments now ordered should issue in Branch IV even though the original rules were then issued from the Legis. section. As an example of this practice I may instance the case of the rules under the Co-operative Societies Regn. The original rules in that case issued from Branch III, and but all the later amendments and additions were issued from Branch II.

(48) III 29/12/13 Represents the above. Whole the papers may be called for & in Br IV

Dy Secy 8 Hy. Wells

8 Hy. Wells 8 Hy. Wells

Sealed. 8 Hy. Wells was sent to Br III and Opinion given 1914

9. (1) A reply is due to the Dy Comm of the Shimoga District —

(2) Branch IV may be requested to take the necessary action now.

8 5/1/14

10 Transfer to Br IV for further action.

5/1

NOTE—Contn. sheet.

GPB—60,000—7-11-13

6/1/14

General and Revenue Secretariat.

Sav. File No. 70 of 1913-4

Serial No.	
2	11 A copy of the Village Sanitation Rules is put up for refee. Branch III may, if apptd, be requested to suggest a suitable draft of the proposed amendment for issue from Branch IV. Draft of an ad-interim reply to the Dy Commr, Shimoga dtd 10 is subtd for appl or other orders. Dan 51 17.1.14 Bx 12 1. Issue draft. (V) 2. I am not sure if Sec 3 of the Village Sanitation Regn permits the framing of the rule now under contemplation. The proposal involves the application of special procedure for recovery of dues, which is not expressly authorised by the Regulation I of 1898. The only penalty provided for not complying with the direction of a rule, is the one provided in Sec 4 of that Regn. 13 Lo Br III for advice and for favour of a draft amendment, in case it is found to be authorised Dan 20/1
Draft Sanction Letter No: 7302 dy 27.1.14 to Commr, Shimoga Dist. re the question of amending the Sanitation Rules in operation	Se 2

14 Submitted

Govt can make rule under sec. 3(d) of the Village Sanitation Regn for removal of nuisance by the Sanitary Deptt

NOTE—Contn. sheet.

GPB—60,000—7-11-13

15 How? Brought at pleased 1914

16 Saw. File taken to the Asst. Secretary. He ordered that this may be sent to the Govt. Advocate for opinion. 4/5/14

and the recovering the cost thereof as an arrear of Land Revenue. The penalty prescribed in Rule 4 of the Regn is independent of this procedure and is merely intended for being made use of as a punishment for wilful breach of the provisions of the rules

(GB) 2/4/14

C O: No. J. 42-13 dated the 12/5/14

4/5/14. 17 Forwarded unofficially to the Government Advocate for favour of opinion

For Offg. Secretary to Govt.

O. 69 of 13-14.

III

14/5

18 In as much as in the Regulation itself there is no express provision Enabling Govt. to frame rules regarding the mode in which the cost of removal should be levied a not unlikely Contention may be raised as to whether the addition of the proposed rule to the Rules framed under the Regn. is not in excess

Sgn 19/5 (A Rao)

NOTE Contn. sheet.

of the Statutory Powers Conferred by the Regulation & therefore ultra vires. Ordinarily such a Contention will have much force. But under the Circumstances of the present Case, I am inclined to think that the suggested addition may be made without reference to the Legislature, because Govt have in their order of 30.9.1910 para 12 indicated their intention to give effect to this portion of their Scheme by the addition in due Course of a clause to the Village Sanitation Rules, presumably on a liberal Construction of the power of Govt under § 3(1)(a) of the Regn to make rules to regulate the Conservancy of villages. To be Consistent with the said order it is expedient to add the proposed rule to the Village Sanitation Rules. As another instance of a similar exercise of the right of Govt attention may be drawn to Rule 2 of Sec VIII of the Rules

NOTE.—Contn. sheet.

GPB—60,000—7-11-13

General and Revenue Secretariat.

San File No. 70 of 1913-14

Serial No.

in which provision is made for the manner of the levy of fines imposed under § 4 of the Reg.ⁿ although no power is given by the Reg.ⁿ itself to frame rules regarding such levy. It is of course unnecessary to frame a rule of the kind referred to in Rule 2 Sec VIII a, the general Clauses Reg.ⁿ makes adequate provision in this respect but that is however, beside the point -

S Doraiswamy Ja
14.5.14 for Advocate

19.
Submitted
(48)
18/5/14 . Please prepare draft of rule

25/5/14

20 Subd. with a draft rule to be added
(48) 21 Approved To Br IV
25/5/14 & further action

Sd
26/

NOTE Contn. sheet.

GPB—60,000—7-11-13

General and Revenue Secretariat.

Sam File No. 70 of 1913-14

Serial No.

22 Submitted with draft.

Hm 27/5

27.5.14

Lee 4)

23 A typed draft may be put up as suggested revised. Draw 29/5

Hm 30/5

Lee 4)

24 The draft notification may be approved. The case may be treated as a Criminal case.

Draw as Lee Hm 16/6

Second Member & Secretary

10.144 18.6.14

25 May be approved

Lee 17/6

Draw 17/6 Hm

16 I am not sure if the proposed rule in so far as it purports to authorise the recovery of the amount spent in removing the lantana as an arrear of land revenue is covered by Section 3 of the Regulation. Section 4 specifies the mode of punishment for breach of rules made under section 3 . I shall be obliged if the First Member will favour me with his views.

30.6.14 Lee Draw 17 Hm

NOTE—Contn. sheet.

GPB—60,000—7-11-13

Serial No.

27 The proposed rule would be ultra vires, and I do not see any necessity to make it The Penalty prescribed is sufficiently (10 Rs & 5 Rs a day of Continuance) deterrent & the amount realised may be applied for the purpose of getting the work done.

4/7/14

119 7.7.14

28) Dewan) With reference to paragraph 26

Dewan Daya Ram 6/7

29 The matter may be finally decided informally at a casual meeting

C.S on Dewan 29/10

29.10.14 hb

30/10

Sen Dewan 7.11.14.

30) Principal's Council: 18th Nov 1914.

The question may be dropped. Dewan 1911

To Br IV for further action

Dewan 1914

GB 7.11.14

NOTE—Contn. sheet.

GPB—60,000—7-11-13

I

These Council Extracts may be Kindly caused to be placed in the respective files.

R. Denaham

21. 11. 1914

[illegible] extract
[illegible] L. R. Rules,
C. 202 (Sanction 70 of 13)
[illegible] file
[illegible] - Confirmed -

File returned to Br. IV for further action on 19/11.

21/11/14

GPB—1,000—19-7-13

60

Extract from the Proceedings of the 338th Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 18th November 1914.

9. SUBJECT. - (Clause viii of the Schedule).

Question whether it is necessary to authorise the recovery of the amount spent in removing the lantana as an arrear of land revenue.

ORDER OF THE COUNCIL.

The question may be dropped.

Sd. M.VISVESVARAYA,
Dewan of Mysore.

"Extract"

D. M. Narasimha Rao

Offg. Secretary to Government.

General and Revenue Secretariat.

Confl File No. 70 of 1913-14

Serial No.

31 Draft submitted for approval of the order

[illegible] 5.7
21.11.14

25
29/11

[illegible]

Dr Sec'y

32 Please put up a draft in consultation with Dr I regarding a suitable modification of the rule authorizing the recovery of the cost of removal of land as an arrear of land revenue in default

24/11/14

33 Draft letter to the Dy Commr Shimoga District as personally directed.

As the previous order (R 3298-322 dated the 18th June 1910) was issued from Dr I any amendment of the said order will have to be issued from the same Branch.

Submitted

24.11.14

[illegible]

Dr Sec'y

NOTE—Contn. sheet.

3687

R. S. 12]

General and Revenue. Secretariat.

File No. of 1913 & 14

Serial No.

34 A [illegible] of Commissioner [illegible] in the draft [illegible] rules [illegible] framed under [illegible] of 1910, if considered necessary [illegible]

26/11

Submitted may the draft issue

26/11

Yes. Issue.

26/11

3 To the Deputy Commissioner, Shimoga District No. 4386/G

Sir,

I am directed to state that no addition has been made since 2.12.14 last Consider the existing provisions contained in the Village Sanitation Rules are sufficient for all practical purposes.

The file is sent to Mr. I with reference to para 36 of note.

3.12.14

NOTE—Contn. sheet.

GPB—25,000—2-11-14

G. R. S. 12]

General and Revenue Secretariat.

File No. of 191 .

Serial No.

Necessary action has been taken to revise the order of 1910 as directed by the Govt. of India (Pol. Dept. Note) - Mins. file may be returned

K Bor IV

Dec 2/12

Jo Br IV

88

2/12

Dec 2/12

NOTE—Contn. sheet.

GPB—65,000—2-11-14

For Informal Meeting. 2187

14

No. C. 202

30. 10. 1914

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

Question whether it is necessary to authorize the recovery of the amount spent in removing the lantana as an arrear of land revenue.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,
D. M. Narasinga Rao
Offg. *Secretary to Government.*

29th October 1914

Extraordinary Member of Council. Seen by the Extraordinary Member

First Member of Council. Opinion recorded. 30/10

Second Member of Council. Opinion recorded by the 2nd Mr. 30/10

GPB—1,000—3-2-14

G.R.S. 15]

15

Facing sheet for cases included in the schedule appended to Notification No. 36 of the 8th Aug. 1902

GENERAL AND REVENUE SECRETARIAT

SUBJECT

Question whether it is necessary to authorize the recovery of the amount spent in removing the lantana as an arrear of land revenue.

	Date	Initial of officer himself or responsible Deputy
Received in the Secretariat		
Submitted to Secretary		
Submitted by Secretary to Dewan ...		
Do to Member in charge ...		
Returned to Secretary		
Circulated by Secretary for Council ...	29 6 14	
Forwarded by.....Member		
Forwarded by.....Member		
Forwarded by.....Member		
Received in Secretariat		
Considered in Council		
Submitted to the Dewan		
Submitted to His Highness		
Orders passed by His Highness		
Final Orders issued		
Circulated to the Members of Council ...		
Extraordinary Member		
First Member		
Second Member		
Returned to Secretary		

GPB—1,000—11-9-14

Office of the Deputy Commissioner,
Shimoga District.
Dated Shimoga, the 20th November 1913.

No. 245
R.135

D3687 (Bi17)

DIARY No. 3576

From

K. Matthan Esquire, B.A.,
Offg. Deputy Commissioner,
Shimoga District.

To

K. R. Sreenivasaiengar Esquire, M.A.,
Secretary to Government of Mysore,
Beneral and Revenue Departments,
Bangalore.

San 70-13
Sl-1

Sir,

Adverting to para 12 of Government order No. R. 3298-322 L.R. 508-09-2 dated 18th November 1910 directing that a clause should be added to the Village Sanitation Rules so as to authorise the recovery of the cost of eradicating lantana or prickly pear on private holdings as an arrear of land revenue in cases of default to clear the same after due notice given to owners of the holdings I have the honour to request to be informed whether the Village Sanitation Rules have been accordingly amended, as the references available in this office do not show that any amendment to the Village Sanitation Rules in this respect has been received.

I have the honour to be,
Sir,
Your most obedient servant,

Matthan

Offg. Deputy Commissioner,
Shimoga District.

S.H.R.

1913-14.

From

The Deputy Commissioner,

Shimoga District.

To

The Secretary to Govt

of Mysore,

Gen & Rev Departments,

Bangalore.

Dated

Despatched 20th November 1913.

Received

General No. 245

No. R.135

Enclosure No.

Adverting to para 12 of G.B. No. R.3298-322 L.R. 508-09-2 dated 18th November 1913 requests to be informed whether the Village Sanitation Rules have been accordingly amended etc.,

GPB—50,000—26-9-12

Issue
Sd. A.V.R
27.1.14

2

G. R. S. 26]

Samy **File No.** 70-13

Serial No. 2

28/1

Diary No. of letter replied to 3687

No. 7302
Sanity 70-13
27.1.14

General and Revenue Secretariat
(Secn)
, *the* 191 .

To

The Deputy Commr
Shimoga Dist.

Date of issue 27.1.14.

Signed by Mr A.V. Ramanathan

His letter no. 245/C 135 of the 20th November '13 requesting to be informed whether the Village Sanitation Rules have been modified so as to authorise the recovery of the cost of clearing lantana or prickly pear on private holdings as an arrear of land revenue in cases of default on the part of the owners even after due notice has been given to them.

With refce to the above, has the

over.

SUBJECT.

28/1/14

3

however to State that the ~~practical~~ Village Sanitation Rules have not yet been so modified, and that the question is engaging the attention of Govt.

and ~~that their orders may be~~

~~decided~~

By order

Asst.
Sol. for Secy

Bl. 51
17.1.14

B

List of enclosures.

Copied by

Examined by

GPB—25,000—8-8-11.

G. R. S. 26]

File No. 70-13 4

Serial No. 3

Diary No. of letter replied to 3687

General and Revenue Secretariat
(Sanitary)
, *the* 191

Date of issue 2.12.14

Signed by for G. Srinivasa Iyer

No. 4387
Sanitary 70-13
dy 2.12.14.

To

The Deputy Commissioner
Shimoga District

Sir,

With reference to your letter No. 245/R 135 dated the 20th November 1913, enquiring whether a clause has been added to the Village Sanitation Rules so as to authorise the recovery of the cost of clearing Lantana or prickly pear on private holdings as an arrear of land revenue, I am directed to state that no such addition is contemplated in para 12

over.

SUBJECT.

L.R. 508-09-2

List of enclosures.

Copied by

Examined by

GPB—25,000—4-8-13